

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 19-md-02913-WHO

**ORDER DENYING MOTION TO AMEND
IN PART, RELATING ANTITRUST
ACTIONS TO THIS MDL, AND
ADOPTING REVISED BRIEFING
SCHEDULE**

This Document Relates to:
ALL ACTIONS

RE: Dkt. Nos. 421, 487, 493, 515

Plaintiffs' Motion to Amend the Consolidated Class Action Complaint to include causes of action on behalf of direct and indirect purchasers and antitrust allegations related solely to those causes is DENIED. Dkt. No. 421.¹ The antitrust allegations and causes of action will, for the time being, remain outside of this MDL. However, as explained in a contemporaneously filed Order governing the antitrust actions (Antitrust Actions), those actions will be formally related to the MDL under Civil Local Rule 3-12, although they will not be considered member cases of the MDL.² The

¹ Plaintiffs' Motion to File an Amended Consolidated Class Action Complaint to make ministerial revisions and add general allegations regarding the connection between JUUL use and complications from COVID-19 is GRANTED. Similarly, plaintiffs' motion is GRANTED as to the filing of the Amended Consolidated Master Complaint (Personal Injury), which was not opposed by defendants. Dkt. No. 500.

² The Antitrust Actions are: *Reece v. Altria Group, Inc. et al.*, Case No. 20-cv-02345-WHO (N.D. Cal.); *Blomquist v. Altria Group, Inc. et al.*, Case No. 20-cv-02512-WHO (N.D. Cal.); *Martinez v. Altria Group, Inc. et al.*, Case No. 20-cv-02597-WHO (N.D. Cal.); *Deadwyler v. Altria Group, Inc. et al.*, Case No. 20-cv-02729-WHO (N.D. Cal.); *Stiles v. Altria Group, Inc. et al.*, Case No. 20-cv-02779-WHO (N.D. Cal.); *Licari v. Altria Group, Inc. et al.*, Case No. 20-cv-02778-WHO (N.D. Cal.); *Flannery v. Altria Group, Inc. et al.*, Case No. 20-cv-02981-WHO (N.D. Cal.); *Larimore, et al. v. Altria Group, Inc. et al.*, Case No. 20-cv-02999-WHO (N.D. Cal.); *Walsh, et*

Antitrust Actions will proceed, with exceptions, on a track separate from the MDL.³ This determination may be reconsidered, if necessary, as these sets of cases progress.

In addition, as noted in the Minute Order following the May 15, 2020 Case Management Conference, the following briefing schedule is ADOPTED:

Date	Event
May 29, 2020	JLI and Altria Defendants' Primary Jurisdiction, Preemption, and RICO motions to be addressed to the operative Class Action Complaint, the operative Master Complaint (Personal Injury- with the exception of RICO since there is no RICO claim in the Personal Injury Complaint), and exemplar Government Entity bellwether complaint(s) to be selected from those amended on or before May 8, 2020.
	Altria-Specific Motion to Dismiss Plaintiffs' RICO and UCL Claims from the operative Class Action Complaint
	JLI and Altria Defendants' Opening Briefs Regarding Motion to Dismiss Claims of California Subclass in the operative Class Action Complaint
June 5, 2020	Submissions in support of the above motions by Director Defendants
June 22, 2020	JLI and Altria Defendants' Opening Briefs on Bellwether Government Entity Claims
June 29, 2020	Plaintiffs' Oppositions to Motions re Primary Jurisdiction, Preemption, and RICO
	Plaintiffs' Oppositions to Altria-Specific Motions
	Plaintiffs' Opposition to the JLI and Altria Defendants' Motion to Dismiss Claims of California Subclass operative Class Action Complaint

al. v Altria Group, Inc. et al., Case No. 20-cv-3183-WHO (N.D. Cal.). The Clerk's Office shall relate each of these cases to the MDL, but they should not be categorized as member cases of the MDL.

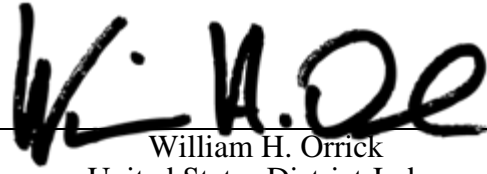
³ As explained in the contemporaneously filed Order in the Antitrust Actions, I am inclined at least with respect to discovery to have the Antitrust Actions trail the discovery in the MDL, as that will be the most significant area of overlap between the MDL and the Antitrust Actions. How exactly that will work and other possible coordination between the proceedings will be discussed at a coordinated Case Management Conference for the Antitrust Actions, set immediately after the next MDL CMC on June 19, 2020. I will invite lead counsel in the MDL to participate in the CMC for the Antitrust Actions during the discussion of how to proceed in the most effective manner with the related cases.

Date	Event
	Director Defendants' unique motions to be addressed to the operative Class Action Complaint and the California Subclass and, any crosscutting motions (as described above) to the operative Master Complaint (Personal Injury-with the exception of RICO since there is no RICO claim in the Personal Injury Complaint).
	Submissions in support of JLI and Altria Defendants' Primary Jurisdiction and Preemption motions to be addressed to the operative Master Complaint (Personal Injury) by the Retailer and Distributor Defendants
	Retailer and Distributor Defendants' unique Primary Jurisdiction, Preemption motions to be addressed to the operative Master Complaint (Personal Injury)
	Retailer and Distributor Defendants' Motions to Dismiss regarding directly filed cases
July 1, 2020	Director Defendants' Specific Motions to Dismiss Select Government Entity Complaints
July 20, 2020	JLI and Altria Defendants' Reply in support of their Motions re Primary Jurisdiction, Preemption, and RICO
	Altria's Reply in support of Altria-Specific Motion
	JLI and Altria Defendants' Reply in support of their Motion to Dismiss Claims of California Subclass
	Plaintiffs' Opposition to the JLI and Altria Defendants' Motions to Dismiss the Selected Government Entity Complaints
July 27, 2020	Plaintiffs' Opposition to Director Defendants' motions filed on June 29, 2020
July 31, 2020	Plaintiffs' Opposition to Director Defendants' Specific Motions to Dismiss Select Government Entity Complaints
	Plaintiffs' Opposition to Retailer and Distributor motions filed on June 29, 2020
August 17, 2020	JLI, Altria, and Director Defendants' Replies in Support of their Motions to Dismiss Selected Government Entity Complaints
	Director Defendants' Replies in support of motions filed on June 29, 2020
	Retailer and Distributor Defendants' Replies in Support of their motions filed on June 29, 2020

1 The parties' joint Further Case Management Statement shall be filed on June 17, 2020.

2 **IT IS SO ORDERED.**

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4 Dated: May 26, 2020

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6 William H. Orrick
7 United States District Judge
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